



# California Fair Political Practices Commission

March 30, 1989

Robert E. Weiss  
Attorney at Law  
920 Village Oaks Drive  
Covina, California 91722

Re: Your Request for Advice  
Our File No. A-89-135

Dear Mr. Weiss:

You have requested advice on behalf of the Alliance for Representative Government, a committee controlled by Los Angeles County Supervisor Peter F. Schabarum, regarding the campaign disclosure provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTIONS

1. May a general purpose recipient committee, controlled by an officeholder, which had as a purpose making contributions to candidates for California state or local elective office (the "first committee") amend its statement of organization to have as its sole future purpose the making of contributions to state, county or city ballot measures?

2. If a new general purpose recipient committee is formed for the sole purpose of supporting or opposing future ballot measures (the "second committee") and it is controlled by the same officeholder who controls the first committee:

2.1. May the second committee receive contributions or loans from the first committee? Is there any limitation on the size of such contributions or loans?

2.2. Is there a limitation on the size of contributions from persons, political committees, broad based political committees or political parties which may be received by either the first or the second committee?

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<sup>1/</sup>Government Code Sections 8100-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

### CONCLUSIONS

1. A general purpose recipient committee, controlled by an officeholder, which had as a purpose making contributions to candidates for California state or local elective office may amend its statement of organization to have as its sole future purpose the making of contributions to state, county or city ballot measures.<sup>2/</sup>

2.1. The second committee may receive contributions or loans of any size from the first committee for purposes of supporting or opposing ballot measures. However, no funds received prior to January 1, 1989 may be used to support or oppose a measure to recall an elected official.

2.2. There is no limitation on the size of contributions which may be received by either the first or the second committee for purposes of making expenditures or contributions to support or to oppose ballot measures.

### FACTS

A county supervisor controls a general purpose recipient committee. He intends to amend the statement of organization to establish as the sole future purpose of the committee to support or oppose state, county or city ballot measures with the exception of recall measures. The county supervisor intends to also establish a new general purpose recipient committee for the exclusive future purpose to support or to oppose state, county or city ballot measures which are not recall measures.

### ANALYSIS

Your initial question is whether the statement of organization for the first committee may be amended to provide for the exclusive future purpose of supporting or opposing city, county or state measures which are not recall measures. Recipient committees must file statements of organization within 10 days of

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<sup>2/</sup>At its May meeting, the Commission will consider amendments to Regulation 18536.2 which may change our advice as to recall measures.

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qualifying as committees. (Sections 82013(a) and 84101.) The statement of organization for a general purpose recipient committee must provide a brief description of its political activities. (Sections 84102(d).) Whenever there is a change in the information in a committee's statement of organization, the statement of organization must be amended. (Section 84103.) There is nothing in the Act which prevents a committee from changing the purpose for which it is formed as long as appropriate amendments are made to the committee's statement of organization. The first committee may amend its statement of organization to become exclusively a general purpose recipient committee which supports or opposes state, county or city ballot measures except for recall measures.

Your client wants to create a new general purpose recipient committee (designated the second committee) which will have the exclusive purpose of supporting or opposing state, county or city ballot measures except recall measures. The client's intention is to have the first committee contribute or loan funds to the second committee. Proposition 73, passed by the voters in the June 7, 1988 statewide primary election, prohibits candidates or officeholders from transferring funds between their controlled committees. (Section 85304.) However, the Commission has adopted a regulation, which is being held for a 15-day comment period before commencing the final rulemaking process, which states that the transfer provisions of Section 85304 do not apply to candidate controlled committees formed to support or to oppose ballot measures. (Regulation 18534, copy enclosed.) The requirements of Regulation 18534 should be complied with pending the expected effective date of June 6, 1989.

Your final inquiry relates to limitations on receipts by the second committee. The contributions or loans from the first committee to the second committee have no limit. In contrast to candidate controlled measure committees, candidate controlled committees which are formed for the purpose of supporting the candidate's campaign for elective office are limited as to the size of contribution receipts. (See Sections 85301-85305.) Because the first and the second committees are to be strictly ballot measure committees, even though controlled by an officeholder, there is no limit to the size of contributions which may be received by either committee.

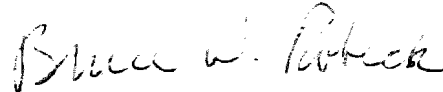
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Your letter did not indicate whether the first committee holds funds which were collected prior to January 1, 1989. Any funds which were received by the Alliance for Representative Government committee for purposes of making contributions to candidates for California state or local office, or which were commingled with such funds, and were received on or before December 31, 1988 may not be used for supporting or opposing a recall measure. (Regulation 18536.2(b)(3), copy enclosed.) As noted above (see footnote 2, supra), the Commission will consider amendments at its May meeting which may change our advice concerning use of these funds to support or oppose recall measures.

If you have further questions please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel

A handwritten signature in dark ink, appearing to read "Bruce W. Robeck". The signature is written in a cursive, slightly slanted style.

By: Bruce W. Robeck  
Political Reform Consultant

ROBERT E. WEISS  
BRUCE H. ZUCKERMAN  
CRIS A. KLINGERMAN  
EDWARD A. TREDER

LAW OFFICES  
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February 27, 1989

Fair Political Practices Commission  
428 J Street # 800  
P. O. Box 807  
Sacramento, CA 95804

Attention: Bruce Robeck  
Political Consultant

Dear Mr. Robeck:

Pursuant to our telephone conversation of this date, I wish to advise that a member of this firm is the treasurer of Alliance for Representative Government (I.D.#80-2202), which is a committee controlled by Peter F. Schabarum, a Supervisor of Los Angeles County.

As described to you, it is our intention to file an Amended Statement of Organization to provide that the future principal activity of that committee will be to support, or oppose, City, County and State ballot measures, only, with the exception of recall measures and that it will not hereafter support political candidates.

Further it is our intention to establish a new Committee under the name of "The Schabarum Fund for California's Future" which committee's principal activity will be to support, or oppose, future City, County and State ballot measures, with the exception of recall measures.

It is my understanding under these circumstances:

That the Alliance for Representative Government is permitted to make a contribution, either as a contribution or as a loan, to the new committee, in that both committees' principal activity is the supporting, or opposing, of ballot measures, only, with the exception of recall measures;

Further, that the new committee may proceed to raise funds for its use in supporting, or opposing, future ballot measures and that there is no limitation presently in effect as to the source of contributions to the new committee, that is, individual, corporate or otherwise;

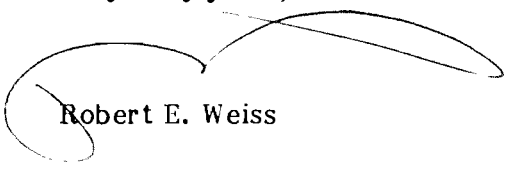
Further, that there is no limitation as to the amount that may be contributed by any contributor to that committee, always of course on the express understanding that the committee is formed for the sole primary purpose of supporting, or opposing, ballot measures, as stated above;

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It is my further understanding that there is no prohibition against reimbursement for expenses by a ballot measure committee.

As discussed, I would appreciate hearing from you at your earliest opportunity as to the correctness of my understandings, above stated. A self-addressed stamped envelope is included for your convenience in responding.

Very truly yours,



Robert E. Weiss

REW:bh/6  
Enclos.

89-125

LAW OFFICES  
OF  
ROBERT E. WEISS INCORPORATED

ROBERT E. WEISS  
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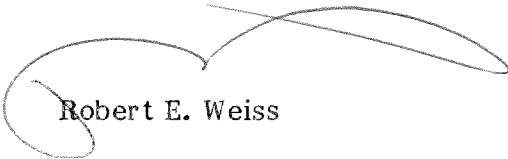
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Very truly yours,



Robert E. Weiss

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Enclos.





# California Fair Political Practices Commission

March 2, 1989

Robert Weiss  
Robert E. Weiss Incorporated  
920 Village Oaks Drive  
P.O. Box 3269  
Covina, CA 91722

Re: Letter No. 89-135

Dear Mr. Weiss:

Your letter requesting advice under the Political Reform Act was received on March 1, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard*  
Jeanne Pritchard  
Chief Technical Assistance  
and Analysis Division

JP:plh